

SENATE JOURNAL.

FIRST DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, April 6, 1882. }

Senate met pursuant to call of Governor Roberts, Lieutenant-Governor L. J. Storey in the chair.

The roll was called, when the following members answered to their names:

First District—S. B. Cooper.
Fourth District—R. L. Hightower.
Fifth District—W. H. Tilson.
Sixth District—W. J. Swain.
Seventh District—John M. Duncan.
Eighth District—John Young Gooch.
Ninth District—H. W. Lightfoot.
Tenth District—J. C. Buchanan.
Twelfth District—W. D. Lair.
Thirteenth District—Anson Rainey.
Fourteenth District—F. M. Martin.
Fifteenth District—J. N. Henderson.
Seventeenth District—W. M. Burton.
Eighteenth District—Charles Stewart.
Nineteenth District—J. B. Stubbs.
Twentieth District—W. K. Homan.
Twenty-first District—A. J. Harris.
Twenty-second District—L. S. Ross.
Twenty-third District—W. R. Shannon.
Twenty-fourth District—J. H. Davenport.
Twenty-fifth District—A. W. Terrell.
Twenty-sixth District—A. W. Moore.
Twenty-seventh District—S. C. Patton.
Thirtieth District—A. W. Houston.
Thirty-first District—W. H. Burges.
A quorum being present.
Prayer was offered by Rev. W. E. Hall.

The Lieutenant-Governor then delivered the following address:

Gentlemen of the Senate:

In obedience to the proclamation of the Governor, we assemble today to consider questions of grave importance to the State; and, while we can conscientiously congratulate ourselves upon the comparative prosperity of the country, and the grand success of the administration of public affairs, yet sad changes have taken place since last we met.

The old Capitol building, around which so many fond recollections of the past cluster, the place where last we met, and where once assembled the patriots of other days, where the men who had founded the Republic of Texas, transformed her into a State and shaped her laws, once assembled, is in ruins.

Sad, indeed, is this, and yet sadder still the thought suggested by the vacant seats we see before us. The distinguished Senator from Goliad, I learn, has resigned his seat, and the State is thereby deprived of his services, while the Angel of Death has passed over the Senate, striking down the talented and patriotic Senators from Cook and Grimes, whose official careers, though short, were giving assurances of a bright future for themselves and great good to the State.

Again, all Texas mourns the loss of the distinguished Senator from Cameron. For thirty-five years he has mingled with and served the people of the Rio Grande district, and from early manhood to a ripe old age he enjoyed the confidence of his constituents. It has been my good fortune to serve with him in both houses of the Legislature, and I but echo the opinions of those who knew

him best, when I say he betrayed not his trust, but ever sought the best interest of his constituents.

And, as with sad hearts we now turn from graves of the distinguished dead, let us hope that those who come after them may be as patriotic and true to the State, and as thoroughly devoted to duty.

Trusting that the session may be a pleasant one, and that our labors here may redound to the good of all Texas, I now declare the Senate in session and ready to proceed to business.

Senator Martin presented the credentials of Senator J. G. McDonald, elected in the Sixteenth District, to succeed Hon. J. T. Buchanan, deceased.

The Senator came forward and was duly sworn in.

The following resolution was introduced by Senator Houston:

WHEREAS, In the Eleventh, Twenty-Eighth and Twenty-Ninth Senatorial Districts of Texas there have been held recent elections to fill vacancies occasioned by the death of Hon. J. M. Martin and Hon. Stephen Powers, and the resignation of Hon. E. R. Lane, and,

WHEREAS, Hon. W. O. Davis, of the Eleventh District, Hon. L. H. Brown, of the Twenty-Eighth District, and the Hon. C. A. McLane, of the Twenty-Ninth District, have presented satisfactory evidence of their election in their respective districts; therefore, be it

Resolved, That they be now sworn and allowed to take seats as members of this Senate.

Adopted.

Senators Davis, Brown and McLane came forward and were sworn in by the Lieutenant-Governor.

The following resignations of officers of the Senate were read by the Secretary and accepted:

AUSTIN, TEXAS, April 6, 1882.

Hon. L. J. Storey, Lieutenant-Governor and President of the Senate:

DEAR SIR—I hereby tender my resignation as Calendar Clerk of the Senate for the Seventeenth Legislature.

Since the adjournment of the regular session I have accepted the place of Insurance Clerk in the Department of Insurance, Statistics and History, which, being more permanent, is more desirable to me on that account.

With my sincere acknowledgments to the honorable Senators for their kindness in electing me to an office which I now surrender, and my best wishes for them and yourself,

I have the honor to be, sir, very respectfully,

JOHN W. SWINDLELLS.

AUSTIN, TEXAS, April 6, 1882.

Hon. L. J. Storey, Lieutenant-Governor and President of the Senate:

DEAR SIR—I wish, through you to inform the honorable members of the Senate that I now hold a position in the office of the Comptroller of the State, and owing to the urgency of the duties of my place, as well as those of a private nature, it will be impossible for me to serve you during this session as First Assistant Secretary of the Senate, the position to which you elected me at the regular session of your honorable body.

I regret this, as I always desire to discharge every duty devolving upon me; but, in order to remedy any inconvenience which may result from your having to exchange experienced for new officers, the Comptroller, Hon. W. M. Brown, has kindly consented that I may aid Colonel Whitehead, your Secretary, a few days, and I will take pleasure in instructing and aiding my successor, whom you may select; and, of course, I will do so gratuitously.

In conclusion, I wish to return to the honorable Senators my most sincere thanks for the honor they conferred on me; and to them and yourself for your friendship and assistance in the past, I will ever hold you all in grateful remembrance.

And permit me, also, to express for you my most ardent wishes that you may have a pleasant and harmonious session, may be success-

ful in dealing with all the questions which may come before you, and on your return home, may meet with an approving constituency.
WILLIAM NEAL RAMEY.

PALESTINE, TEXAS, March 31, 1882.

Hon. L. J. Storey, Lieutenant-Governor and President of the Senate:

In view of the fact that my business engagements at home render it impracticable for me to attend the session of the Legislature, beginning April 6, I hereby tender my resignation as enrolling clerk of the Senate. For the uniform kindness and consideration at all times shown me by yourself and the members of the Senate, I tender you and them my grateful thanks.
VIRGIL F. DuBOISE,
[Enrolling Clerk of the Senate.]

On motion of Senator Shannon, the Senate proceeded to elect officers to complete the organization.

Senator Lair nominated Wm. M. Hunter of Travis county for First Assistant Secretary.

Senator Harris nominated C. B. Segur of Bell county for First Assistant Secretary.

The President appointed Senators Gooch, Stubbs and Duncan tellers.

Wm. M. Hunter received sixteen votes and Mr. Segur thirteen votes, and Mr. Hunter having received a majority of the votes cast, was declared elected First Assistant Secretary.

Senator Cooper nominated John H. Kirby of Tyler county for Calendar Clerk.

Senator Houston nominated M. B. Irwin of Milam county for Calendar Clerk.

Mr. Kirby received twenty-one votes and Mr. Irwin five. Mr. Kirby having received a majority of the votes cast, was duly elected Calendar Clerk.

Senator Swain nominated J. E. Kauffman, of Galveston, for Enrolling Clerk. Mr. Kauffman, on ballot, received twenty-eight votes, and was declared duly elected Enrolling Clerk.

On motion of Senator Swain, the Senate proceeded to elect a Chaplain.

Senator Swain nominated Rev. Dr. Rogers, of Austin.

Senator Rainey nominated Rev. G. H. Blewitt, of Dallas.

Senator Duncan nominated Rev. Dr. Smoot, of Austin.

On the first ballot Dr. Rogers received fourteen votes, Dr. Smoot eleven, and Rev. G. H. Blewitt four.

None of the candidates having received a majority of the votes cast, the Senate proceeded to ballot a second time, with the following result: Dr. Smoot received sixteen votes, and Dr. Rogers thirteen votes.

Dr. Smoot having received a majority of the votes cast, was declared duly elected Chaplain.

The First Assistant Secretary and Enrolling Clerk came forward and were sworn in.

Senator Shannon moved that the President appoint a committee of three members to inform the House that the Senate is organized and ready for business. Adopted.

The President appointed Senators Shannon, Moore and Rainey on said committee.

It was moved by Senator Martin, and adopted by the Senate, that the President appoint a committee of three, to act with a like committee from the House, to inform his Excellency, the Governor, that the Legislature is organized, and ready to receive any communication from him that he may wish to make.

The President appointed on said committee Senators Martin, McDonald and Houston.

Senator Stubbs offered the following resolution:

Resolved, That the Committee on Public Printing be authorized to contract for the printing of five hundred copies, daily, of the journal of the Senate, in quarto form, for distribution; and five hundred copies, daily, be reserved for binding; and, that each Senator be allowed to subscribe for not more than thirty copies of such daily papers as he may select, containing a synopsis of the proceedings of the Senate, at a cost not to exceed three cents per copy.

Read and referred to the Committee on Public Printing. Senator Terrell introduced a bill to be entitled "An act prohibiting future land grants to railway companies." Read by caption and referred to Committee on State Affairs.

Also, a bill to be entitled "An act to provide for running and marking the boundary line between the territory of the United States and the State of Texas from the point where said boundary line leaves Red River to the northeast corner of said State." Read by caption and referred to the Committee on State Affairs.

Senator Shannon, chairman of the committee appointed to inform the House that the Senate was organized and ready to proceed to business, reported the duty of said committee performed.

Senator Duncan introduced a bill to be entitled "An act to apportion the State of Texas into senatorial districts." Read by caption and referred to the Committee on Apportionment.

On motion of Senator Swain the Senate took a recess for five minutes.

Recess expired and Senate called to order.

Senator Lightfoot offered the following concurrent resolution:

Be it resolved by the Senate of the State of Texas, the House concurring, That a committee of three be appointed by the President of the Senate, to act in concurrence with a like committee from the House, for the purpose of making investigations and selections of places of business, suitable buildings, transpose for the Supreme Court, Court of Appeals, and Commissioners of Appeals.

2. That said committee shall report their action upon said matters as soon as practicable, by bill or otherwise.

Resolution read and adopted.

Senators Lightfoot, Homan and Terrell were appointed on said committee on the part of the Senate.

Senator Burges offered the following resolution:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of selling the timber on the school lands, and to report by bill or otherwise.

Referred to Committee on Public Lands.

On motion of Senator Duncan, the Senate adjourned until 3 o'clock p. m.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

Lieutenant-Governor Storey in the chair.

Roll called; quorum present.

Senator Martin, chairman of committee appointed to inform the Governor of the organization of the Senate, reported that duty performed.

Senator Homan presented a petition of citizens Burleson and Lee counties, representing that articles 426, 426½, 427 and 428 of the Revised Criminal Statutes, as amended by the act of March 15, 1881, operate as a hardship upon the people of said counties, in depriving them of their time-honored privilege of killing deer, turkeys and partridges, or catching or taking any grouse at certain seasons of the year, and respectfully requesting that said counties be exempted from the provisions of said articles.

Referred to Judiciary Committee No. 2.

Senator Henderson offered the following resolutions:

WHEREAS, It has pleased the Almighty to remove from our midst, since the adjournment of the Senate at its last session, the following members of this body, to wit: the Hon. Stephen Powers, Senator from the Twenty-Ninth District, the Hon. J. M. Martin, Senator from the Eleventh District, and the Hon. John T. Buchanan, Senator from the Sixteenth District; therefore, be it

1. *Resolved*, That the President of the Senate appoint a committee of five to draft and present to the Senate suitable resolutions commemorative of the memory of said deceased members of the Senate.

2. *Resolved*, That the morning session of April 8 be set apart as

a memorial day, in which said resolutions shall be presented to the Senate.

Resolutions adopted.

On motion of Senator Homan, the Senate adjourned to 9:30 a. m. to-morrow.

SECOND DAY.

SENATE CHAMBER,)
AUSTIN, TEXAS, April 7, 1882. }

Senate met pursuant to adjournment. The President in the chair.

Roll called; quorum present.

Prayer by the chaplain.

On motion of Senator Swain, the reading of the minutes of yesterday's proceedings was dispensed with.

Senator Homan, from Committee on Public Printing, submitted the following report:

COMMITTEE ROOM,
AUSTIN, April 7, 1882.

Hon. L. J. Storey, President of the Senate:

Your Committee on Public Printing, to whom was referred the resolution providing for the printing of the journals of the Senate, and for subscriptions to daily papers for the use of the Senate, have considered the same, and respectfully recommend the adoption of the accompanying substitute therefor.

HOMAN, for Committee.

Resolved, That the Committee on Public Printing be authorized to contract for the printing of one hundred copies, daily, of the journal of the Senate, in quarto form, for distribution, and five hundred copies daily to be reserved for binding, and that each Senator be allowed to subscribe for not more than fifty copies of such daily papers as he may select, containing a synopsis of the proceedings of the Senate, at a cost not to exceed three cents a copy.

Substitute adopted, and resolution, as substituted, adopted.

Senator Shannon introduced a bill entitled "An act to apportion the State of Texas into eleven congressional districts, and to provide that each district so apportioned shall be entitled to elect one member to the Congress of the United States." Read by caption and referred to Committee on Congressional Apportionment.

Senator Buchanan introduced a bill entitled "An act to amend article 4256 of the Revised Statutes of the State of Texas." Referred to Committee on Internal improvement.

Senator Stubbs introduced a bill entitled "An act to adjust the State's indebtedness to the university fund, and to make an appropriation therefor." Referred to Committee on Finance.

Senator Harris introduced a bill entitled "An act making an appropriation for the mileage and per diem pay of the members, and the per diem pay of the officers of the extra session of the Seventeenth Legislature." Referred to Committee on Finance.

Also, a bill entitled "An act making an appropriation to pay the contingent expenses of the extra session of the Seventeenth Legislature." Referred to Committee on Finance.

Senator Stubbs introduced a bill entitled "An act to extend the time in which all persons whose lands have been sold for taxes and bought in by the State may redeem the same." Referred to Committee on Finance.

Senator Shannon introduced a bill entitled "An act to amend section 5, chapter 105, General Laws of the State of Texas, passed at the regular session of the Seventeenth Legislature, approved April 6, 1881." Referred to Committee on Public Lands.

Also, a bill entitled "An act to provide for the sale of a portion of the public lands of the State of Texas, and the investment of the proceeds of such sales." Referred to Committee on Public Lands.

Senator Shannon offered the following resolution:

Resolved, That the Senate Committee on Congressional Apportionment be increased to eleven.

Adopted.

On motion of Senator Lightfoot, Senators Weathered and Wynne were excused for non-attendance at the Senate on yesterday.

The President assigned the new members, Senators Browne, Davis, McDonald and McLane, to committees as follows, viz:

To Judiciary Committee, No. 1, Senators McLane and Browne.
To Judiciary Committee, No. 2, Senators McDonald and Davis.
To Committee on Educational Affairs, Senator Davis.
To Committee on Internal Improvements, Senators Browne and McLane.
To Committee on Finance, Senators Browne and Davis.
To Committee on Private Land Claims, Senator Davis.
To Committee on Penitentiary, Senator McDonald.
To Committee on Public Claims and Accounts, Senator McDonald.
To Committee on Public Debt, Senator Browne.
To Committee on Public Printing, Senator Davis.
To Committee on Frontier Protection, Senators McLane and Browne.

To Committee on State Asylums, Senators McDonald and McLane.

To Committee on Retrenchment and Reform, Senators Brown and McDonald.

To Committee on Comptroller's and Treasurer's Departments, Senator McLane.

To Committee on Judicial Districts, Senators McDonald and McLane.

To Committee on Engrossed Bills, Senator Davis.

The President assigned as a committee to report memorial resolutions for the members whose seats have been made vacant by death, the following Senators: Henderson, Stewart, Lightfoot, Terrell and Houston.

On motion of Senator Harris, the Senate took a recess of thirty minutes.

Recess expired, and Senate called to order.

Senator Henderson offered the following resolution:

Resolved, That the memorial committee appointed by the President of the Senate to draft and present suitable resolutions commemorative of deceased members of the Senate be granted until the twenty-second of April to report said resolutions to the Senate, and that the morning session of said day be set apart as a memorial day, instead of the eighth of April, as in the original resolution.

Adopted.

The following message was received from the House:

I am directed by the House to inform your honorable body that the House has completed its organization by the election of the following officers: Jno. P. Kirk, Calendar Clerk, vice M. A. Harvey, deceased; J. E. McMorris, Postmaster and Messenger, vice Quitman Finlay, resigned.

Also, that the House has adopted the following Senate concurrent resolution:

Resolved by the Senate of the State of Texas, the House concurring, That a committee of three be appointed by the President of the Senate to act with a like committee from the House, for the purpose of making investigations of places of business and suitable buildings and offices for the Supreme Court, Court of Appeals and Commissioners of Appeals; that said committee report their action upon said matter as soon as practicable, by bill or otherwise.

And that Messrs. Carleton, Faulk and Upton have been appointed a committee upon the part of the House.

Also, that the House has adopted the following concurrent resolution:

Resolved by the House of Representatives, the Senate concurring, That the joint resolution adopted by the regular session of the Seventeenth Legislature, providing for the apportionment, a joint committee of the House and Senate on congressional apportionment be, and the same is hereby rescinded; and that each house appoint such committee or committees on apportionment as they respectively may see proper.

WILL LAMBERT, Chief Clerk.